

VZCZCXR06474
RR RUEHCN RUEHGH RUEHVC
DE RUEHGZ #0158/01 0770605
ZNR UUUUU ZZH
R 170605Z MAR 08
FM AMCONSUL GUANGZHOU
TO RUEHC/SECSTATE WASHDC 6974
INFO RUEHOO/CHINA POSTS COLLECTIVE
RUEAIIA/CIA WASHDC
RUEKJCS/DIA WASHDC

UNCLAS SECTION 01 OF 02 GUANGZHOU 000158

SIPDIS

SIPDIS

STATE FOR EAP/CM

E.O. 12958: N/A
TAGS: PGOV SOCI CH
SUBJECT: GUANGZHOU GOVERNMENT OFFERS FOIA WITH CHINESE CHARACTERISTICS

¶1. (U) SUMMARY: A groundbreaking 2007 Guangzhou law ordering government to share information with the public is imperfect but represents an important development in official transparency. Though the law theoretically gives individuals the right to have their queries answered promptly and at no cost, in practice many types of information are off-limits (there are many prohibited areas) and applicants sometimes face fees and delays. Public awareness of the law is low, even among academic experts in government transparency. In spite of these challenges, many of our contacts view the law as a positive -- if mostly symbolic -- step toward government efficiency and transparency. Shanghai and Hunan province already have passed their own regulations on information-sharing; a set of regulations mandating government transparency and disclosure for the Chinese national government will go into effect May 1, 2008. END SUMMARY.

¶2. (U) The city of Guangzhou, long a pioneer in China's transition to a free market economy, is also leading the way in government transparency legislation. In 2003, Guangzhou's municipal government was the first in China to announce regulations on government openness. On May 1, 2007, these regulations became law as the "Measures for Sharing Governmental Information upon Request in Guangzhou." The city is the first in mainland China to mandate sharing government information with the public.

¶3. (U) The law is based on three principles, according to Dr. Peng Peng, professor of politics at the Guangzhou Academy of Social Sciences, a government-funded think tank. First, anyone can request information. Any resident of China, Hong Kong, Macau, or a foreign country may request information from the Guangzhou government. Second, the information must be provided free of charge. Third, an official reply to the request must be made within 45 days, with penalties for failing to meet the deadline without a valid explanation.

It's Not Easy Being Clean

¶4. (U) The ambitious nature of the law is tempered in practice, where long-held customs of government secrecy combine with bureaucratic inefficiency to resist change. Problems include:

-- Not all information is accessible. Prohibited categories are: state secrets, commercial secrets, personal private information, corruption of government or party leaders, government internal official documents, draft rules and regulations, information that could impact law enforcement, information protected by law, and information already released to the public.

-- It is not always free. Guangzhou municipal government bureaus receive funds from the local government to institute transparency reforms, but some are still charging fees -- to look up a license at

the real estate bureau, for example -- because they claim the government funds are insufficient to cover the costs involved. Peng says this shows that the reforms have not yet gone deep enough; the charging of illegal fees can easily lead to official corruption.

-- It is not always shared. The Guangzhou bureaucracy, like many others, has many agencies that are reluctant to share information with one another. They have computer or filing systems that other agencies cannot use, and some charge other bureaus for access. Peng calls this practice self-defeating. "If you're not transparent to yourself, how can you be transparent to the people?" he asks. Information is power in any bureaucracy, and some bureaus work around competing agencies or even at cross-purposes with them, as each seeks to protect its own turf.

-- The government is not always polite or timely. Customer service is still a new idea in China, so citizens often face delays, surliness, or incompetence from local government workers. Peng says the government is working hard to improve both attitude and delivery, and that the 45-day cap on government responses should help speed things up.

-- Not everyone knows about the law. In a visit to Guangzhou's Jinan University, the majority of a group of government professors had no knowledge of the 2007 law. While some knew of it generally, or had stories of how certain tasks -- such as getting a passport -- are much easier to get done now than in the past, most said the law had little or no impact on their lives. One professor called the reform "more symbolic than practical."

Guangzhou Leads the Nation

15. (U) As a historic center for trade and economic reforms,

GUANGZHOU 00000158 002 OF 002

Guangzhou was a natural choice to lead the country on government transparency, according to Peng. "Businesses need this kind of transparency in order to operate," he said. Moreover, Guangzhou officials have constant exposure to the best practices of businessmen from around the world -- especially Hong Kong and Taiwan -- who flock to South China to invest. Peng also noted that in the competitive world of business development, Guangzhou's leaders consider these reforms necessary to keep investors coming.

16. (U) Transparency reforms are also a high priority for the province's leaders. Peng told us that Party Secretary Wang Yang, who in his previous posting in Chongqing won a reputation as a champion of transparency reforms, made clear when he arrived in Guangdong that he had President Hu Jintao's support to carry out the reform program here as well.

Will It Work?

17. (U) COMMENT: Despite the rhetoric of reform, it is difficult to measure the impact the new regulations are having in Guangzhou. The government has not released statistics tracking how many requests have been made or responded to, or any tangible measures showing how or if the new law has changed the way business is done in Guangzhou. Many citizens do not seem aware of the law, with even fewer using it to request information. It remains to be seen if the impact of the 2007 transparency law will match the government's high hopes for it. END COMMENT.

GOLDBERG